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09/747,681	12/26/2000	Masaki Mukai	MAT-8080US	4648

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EXAMINER

LANEAU, RONALD

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/747,681

Applicant(s)

MUKAI ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-31 and 45-50 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 9, 11, 13, 15-20, 32, 33, 35-38, 40, 41, 43 and 44 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 8, 10, 12, 14, 21-26, 34, 39 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

1. The amendment filed on 7/3/03 has been entered. New claims 45-50 are added and claims 1-50 are now pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7, 11, 13, 15, 32, 33, 36-38, 41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (5,838,926).

As per claims 1 and 3, Yamagishi teaches a data processing for processing data based on a received result of wireless-communication 112, a CPU 140 having a memory, a user's input (scanner unit 218), an image data as a result of data processing (image formation 130) received through said wireless unit 112 (fig. 1). Yamagishi does not explicitly teach that image data is generated in said data processing apparatus but it would have been obvious to one of ordinary skill in the art to generate an image formation at the data processing level because it would transmit a processed image to the display and at the same time reduce the image display size.

As per claims 2 and 11, the data processing (image formation 130) taught by Yamagishi can actually transmit image data from the wireless unit in a differential portion as claimed (fig. 1).

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As per claim 7, Yamagishi teaches an image display apparatus 130 having a first wireless unit 112, a display unit 221 seen in figure 2, an input unit (scanner unit 218), data processing for processing data based on a received result of wireless-communication 112, a CPU 140 having a memory, a user's input (scanner unit 218), an image data (image formation 130) as a result of data processing received through said wireless unit 112 (fig. 1).

As per claims 13, 37, and 44, see rejection of claim 36. The data processing (image formation 130) taught by Yamagishi can actually transmit image data from the wireless unit in a differential portion as claimed (fig. 1).

As per claim 15, Yamagishi teaches an image display apparatus 130 having a wireless communication unit 112, a display unit 221 for displaying the image data seen in figure 2, an input unit (scanner unit 218), a storage unit 302 for storing the image data, an image data (image formation 130) as a result of data processing received through said wireless unit 112 (fig. 1). The control unit 301 seen in figure 3 is actually controlling the storage unit 301 that stores image data and also that displays image data stored in said storage unit (see col. 7, lines 7-15 and col. 8, lines 5-12).

As per claims 32, 33, 36, 38, and 41, Yamagishi teaches a data processing for processing data based on a received result of wireless-communication 112, a CPU 140 having a memory, a user's input (scanner unit 218), an image data (image formation 130) as a result of data processing received through said wireless unit 112 (fig. 1). Yamagishi teaches a data processing that is capable of transmitting image data from the wireless unit in a differential portion as claimed. Yamagishi does not explicitly teach that image data is generated in said data processing apparatus but it would have been obvious to one of ordinary skill in the art to generate an image

formation at the data processing level because it would be economical since there will be no need to have the image formation apparatus.

4. Claims 5, 9, 10, 16-20, 35, 40, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (5,838,926) in view of Kondo et al (US 6,385,250).

As per claims 5, 9, and 10, Yamagishi teaches a storage unit 302 for storing image data whether it is temporary or permanent, a display unit 321 which can be turned on and off by a user. Yamagishi does not teach an update image data in said storage means but Kondo et al teach image data in the storage unit that is updated and image data to be combined is selected based on the detection results (col. 2, lines 40-41).

It would have been obvious to one of ordinary skill in the art to utilize image data update taught by Kondo et al into the device of Yamagishi because it would provide an image processing which can improve picture quality and also generate high quality updated display for a user.

As per claims 16 and 17, Yamagishi teaches an image display apparatus 130 having a wireless communication unit 112, a display unit 221 for displaying the image data seen in figure 2, an input unit (scanner unit 218), a storage unit 302 for storing the image data, an image data (image formation 130) as a result of data processing received through said wireless unit 112 (fig. 1). The control unit 301 seen in figure 3 is actually controlling the storage unit 301 that stores image data and also that displays image data stored in said storage unit (see col. 7, lines 7-15 and col. 8, lines 5-12). Yamagishi does not teach an update image data in said storage means but Kondo et al teach image data in the storage unit that is updated and image data to be combined is selected based on the detection results (col. 2, lines 40-41).

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It would have been obvious to one of ordinary skill in the art to utilize image data update taught by Kondo et al into the device of Yamagishi because it would provide an image processing which can improve picture quality and also generate high quality updated display for a user.

As per claims 18-20, Yamagishi teaches a storage unit 302 for storing image data whether it is temporary or permanent, a display unit 321 which can be turned on and off by a user, Yamagishi does not explicitly teach updating stored image data to a latest image data transmitted from said data processing but it would have been obvious to one of ordinary skill in the art to utilize the latest image transmitted wirelessly to replace an old image data because it would provide the ability to generate high quality updated display image for the user.

As per claims 35, 40, and 43, Yamagishi teaches a storage unit 302 for storing image data whether it is temporary or permanent, a display unit 321 which can be turned on and off by a user. Yamagishi does not teach an update image data in said storage means but Kondo et al teach image data in the storage unit that is updated and image data to be combined is selected based on the detection results (col. 2, lines 40-41).

It would have been obvious to one of ordinary skill in the art to utilize image data update taught by Kondo et al into the device of Yamagishi because it would provide an image processing which can improve picture quality and also generate high quality updated display for a user.

***Allowable Subject Matter***

5. Claims 21-26 are objected for the same reasons given in previous action.

Claims 27-31 are allowed for the same reasons given in previous action.

Claims 45-50 are allowed for the same reasons given in claims 21 and 22.

Claims 4, 6, 8, 10, 12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the references, either singularly or in combination teaches or even suggests:

As per claims 4, 6, and 39, an image display apparatus further comprising a wireless quality measuring unit for measuring a wireless quality, wherein a display screen of said display unit is turned off when said wireless quality measuring unit judges that the wireless quality is inferior to a specified quality.

As per claims 8, 10, 12, 14, 34, and 42, an information processing system wherein said image display apparatus further comprises a wireless quality measuring unit for measuring the wireless quality, and a display screen of said display unit is turned off when said quality measuring unit for measuring unit judges that a wireless quality is inferior to a specified quality.

### ***Response to Arguments***

6. Applicant's arguments filed on 7/03/03 have been fully considered but they are not persuasive.

In response to applicant's arguments that the examiner's conclusion is based on hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed was made, and

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does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's arguments that there is no suggestion or motivation provided in the Yamagishi patent, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is 703-305-3973. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM or via email: ronald.laneau@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached at 703-305-4709.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**




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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

Ronald Laneau  
Examiner  
Art Unit 2674



RICHARD MCPHEE  
SUPERVISOR, CUSTOMER SERVICE  
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rl  
September 11, 2003